



### *Does your business measure up?*

*If you are buying or selling seafood by weight, you need to know about Australia's trade measurement laws.*

For example, you must make sure:

- packages are correctly labelled – with weight statements and packer identification
- the net contents (excluding packaging material) of the package are not less than the stated weight
- measuring instruments used for sales direct to the purchaser are approved and have been verified by a licensed technician (servicing licensee).

Details of these rules are set out in the [National Measurement Act 1960](#) and the [National Trade Measurement Regulations 2009](#).

The laws apply to both wholesale and retail businesses. If you are caught short-measuring your customers, you could be fined up to \$210,000 per offence as a company or up to \$42,000 per offence as an individual.

### *Most seafood must be sold by weight*

Trade measurement law requires that most seafood, when not pre-packed, must be sold by weight.

If the seafood you're selling by weight is measured in the presence of the customer, the customer must have an unobstructed view of the weighing process - including the readings on the scale or indicator. Otherwise, a written statement identifying each item's weight must be provided to the customer.

When weighing seafood, you must ensure that the customer only pays for the product and not the packaging material. When selling a quantity of seafood by weight, the weight of any packaging (the tare) should not be included. This process is called 'taring off'. Charging a customer for the weight of seafood without subtracting the weight of the packaging is an offence and could result in a costly financial penalty.

### **Some seafood does not have to be sold by weight**

The following varieties of seafood do not have to be sold by weight when not pre-packed:

- molluscs (e.g. mussels, oysters, octopus, scallops and squid)
- crustaceans (e.g. crabs, lobsters, prawns and shrimps)
- fish sold as bait.

While the products listed above do not have to be sold by weight, when they are sold by weight the relevant trade measurement laws apply and the weight must be accurate.



### *What if I use a scale to sell seafood?*

If you use a scale to weigh and sell seafood that isn't pre-packed, you must make sure it is:

- an approved type, that is suitable for its intended purpose
- verified by a servicing licensee
- used in the correct manner (e.g. level and indicating zero before use)
- positioned so that the customer can easily see the measurement process (unless you provide a written statement of the measurement)
- kept clean and in good working order
- verified after each repair or adjustment.

It is your responsibility to make sure the scale is correct at all times.

NMI recommends that you have all your scales used for trade checked regularly by a technician licensed by NMI (servicing licensee). A list of servicing licensees for your area and instrument type is available from NMI's Licensing Team on 1300 686 664 (option 2) or [tmlicensees@measurement.gov.au](mailto:tmlicensees@measurement.gov.au).

### *What if I sell pre-packed seafood?*

All pre-packed seafood, with one exception (see below), must be sold by weight and must be marked with a statement of the weight (excluding packaging material) on the principal display panel.

Weight statements should be printed, either on labels attached to the package or directly on the package itself. When the seafood is packed and sold on the same premises, the weight statement can be hand-written.

The weight statement must be:

- clear to read, at least 2 mm from the edge of the principal display panel and at least 2 mm from other graphics
- in the same direction as the brand or product name
- in a colour that provides a distinct contrast with the colour of the background.

The weight statement on pre-packed frozen seafood must refer to the net weight of the seafood excluding any water or ice glaze.

In addition, the total price and price per kilogram must be marked either:

- on the package in the same format as the weight statement; or
- immediately adjacent to the package in characters at least 10 mm high.

### **Pre-packed oysters can be sold by number**

Pre-packed oysters can be sold by number. If you sell pre-packed oysters by number, the packaging must be marked with the accurate count except when:

- the package is transparent; and
- contains less than nine (9) items.

### *Regulating the sale of seafood*

NMI employs trade measurement inspectors who can visit a place of business 'at any reasonable time of day' to check compliance with the regulations and take appropriate enforcement action where there have been breaches of the law.

### *How do I find out more about trade measurement law?*

The NMI website contains further information on trade measurement laws and regulations, including those relating to the sale of [pre-packed goods](#).

Visit: [www.measurement.gov.au](http://www.measurement.gov.au)

Call: 1300 686 664

Email: [infotm@measurement.gov.au](mailto:infotm@measurement.gov.au)



*The purpose of this communication is to provide you with general information. Nothing in this communication shall be taken in any way to replace the provisions of the National Measurement Act 1960, the National Trade Measurement Regulations 2009 or any other legislative instruments made pursuant to the National Measurement Act 1960, which you should refer to for complete information. You must exercise your own judgement in whether you need to seek independent professional advice relevant to your particular circumstances.*